UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-38_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-38_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _4/19/01_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 7 and 9 are objected to because of the following informalities: In claim 7

there is no step that actually determines the availability. Specifically, the actual checking

of availability is not positively claimed. In claim 9, it would appear that, "...checking

availability in accordance with rules..." is meant to be claimed as part of a 'determining'

step and not as part of the "providing confirmation of vehicles" as the "providing

confirmation" step does not include any checking of availability. Appropriate correction

is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 20-29 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being

incomplete for omitting essential steps, such omission amounting to a gap between the

steps. See MPEP § 2172.01. The omitted steps are: Specifically, in claim 20, is the

limitation, "transmitting, to said individual... of said order". There is no mention of a step

for actually making the order that is to be transmitted.

Claims 21-29 are rejected as depending from a rejected claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 14,18,19,33 are rejected under 35 U.S.C. 102(e) as being anticipated by

US PAT 6,018,715 to Lynch.

As to claims 14 and 33, Lynch discloses a transportation system method for a

plurality of clients (abstract, lines 1-5) with a memory that stores, for each client, a list of

transportation service providers with which the client has service contracts (business

entity portfolio (20) as discussed in col 3, lines 53-62), the portfolio would further include

a set of rules pertaining to the services (fare class restrictions as discussed in col 3,

lines 53-62), signal reception means for receiving a plurality of orders for transportation

vehicles (the purpose of the patent), a main computer (30), operatively connected such

that, in response to these orders automatically accessing computers of particular

service providers (inherent in that the system is shown to have this information in col 3,

line 67-col 4, line 7), determining availability of transportation vehicles (the system is

shown to automatically provide a travel plan in col 4, lines 19-25). They system is

further shown to access particular transportation service providers selected in

accordance with the stored lists (business entity portfolio (20) as discussed in col 3,

lines 53-62), to determine the availability of the transportation service providers'

services.

As to claim 18, Lynch discloses the system as working automatically (col 8, lines

19-22).

As to claim 19, the orders are received from individual employees over a

computer network (col 4, lines 42-48).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 15,17,34 and 36-38 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lynch.

Lynch discloses a method as discussed above.

As to claim 15, Lynch does not specifically teach making the reservations using the computer. As Lynch is disclosed as being used to plan for travel and further, as Lynch discloses using the system to book reservations (col 2, lines 63-64), it would have been obvious to one of ordinary skill in the art to use the system as disclosed by Lynch to make reservations as Lynch discloses this as a good method for finding appropriate reservations and further discusses actually booking the reservations (col 2, lines 63-64). Further, as Lynch discloses accessing the travel services management computers (to ascertain availability as discussed in col 3, line 67-col 4, line 10), it would have been obvious to one of ordinary skill in the art to use the system as disclosed by Lynch to contact the travel services management computers to make the reservation as this would obviate the need for an agent to 'call in' the reservation and further, it is very well known in the art for travel agents to send customers notification of their reservation and further, as Lynch uses the computer to get the information it would have been obvious to one of ordinary skill in the art to use the computer to send out digitally encoded confirmation signals (e-mail) so as to have a record of confirmation to avoid possible confusion that could be brought about by oral confirmations.

As to claim 17, Lynch discloses ascertaining availability of transportation services at the destination (rental car, col 7, lines 10-16), it would be inherent that the computer communicates with the transportation service provider in that city to ascertain availability of a rental car. Further, as Lynch discloses using the system to book

reservations (col 2, lines 63-64), it would have been obvious to one of ordinary skill in the art to book the reservation if confirmed by the customer.

As to claims 34 and 37, as Lynch discloses using the system to book reservations (col 2, lines 63-64), it would have been obvious to one of ordinary skill in the art to book the reservation if confirmed by the customer and further, to notify the customer that the reservation had been made and further to use the computer to send out digitally encoded signals (e-mail being a digitally encoded signal) as Lynch uses the computer to get the information it would have been obvious to one of ordinary skill in the art to use the computer to send out digitally encoded confirmation signals (e-mail) so as to have a record of confirmation to avoid possible confusion that could be brought about by oral confirmations.

As to claim 36, Lynch discloses the system as being used for full transportation plans (col 5, lines 25-30), therefore, it would be inherent that Lynch would communicate with a computer of a remote transportation service (rental car agency in destination city), and, as is discussed, the system is further shown as being automatic.

As to claim 38, Lynch discloses using a network (col 4, lines 42-48), Lynch does not, however, teach using the World Wide Web. It is very well known in the art to connect computers to the Internet. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Lynch by using the Internet so as to not need a closed, internal network to save costs.

Claims 1,3-5,21-26,28-32 and 34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US PAT 6,018,715 to Lynch et al. (Lynch) as modified by US PAT

5,331,546 to Webber et al. (Webber).

As to claim 1, Lynch discloses a system with a first communication means (claim

1, col 8, lines 40-41, as best seen in fig 1 "incoming request"), at least one central

computer (30), operatively connected to the first communication means (fig 2). Lynch

further teaches accessing information about travel service providers (col 3, line 67-col 4,

line 9). Further, it would be inherent that the results would be to make arrangements to

pick up the customer from a pick up location (the airport).

Lynch does not, however, specifically teach accessing management computers

of transportation service providers or receiving and communicating confirmations of

reservations made.

It would have been obvious to one of ordinary skill in the art to modify the system

as taught by Lynch by receiving and communicating confirmations so that the customer

would know that the reservation has been made.

Webber discloses a system for securing reservations for travelers (title), that

accounts for traveler preferences (claim 1, section 2.), and further that communicates

with traveler services management computers (claim 1, section 3 subsection C. and

section 3. subsection D. subsections 1. and 2.).

It would have been obvious to one of ordinary skill in the art to modify the system

as disclosed by Lynch with the connection to traveler services management computers

and making and confirming reservations as taught by Webber, to ensure that the information is up to date and to allow for the travel agent to make the reservations and to allow the customer to know that the reservation has been made.

As to claim 3, Lynch discloses using travel service providers who meet the customer's stored rules (claim 1, section 1.).

As to claim 4, Lynch further teaches using a computer network (col 4, lines 42-45). Lynch does not, however, teach using a global network, such as the Internet.

It is very well known in the art to connect computers to the Internet. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Lynch by using the Internet so as to not need a closed, internal network to save costs.

As to claim 5, the system is shown to make reservations for travel at the destination (rental car as discussed in col 7, lines 4-16), therefore, it would be inherent that the computer would make the reservations (by communicating with a transportation service provider such as a rental car company) at the destination city. It would be inherent that the travel service providers are in the metropolitan area where the customer's travel originates, as this is the beginning of the trip.

As to claim 20, as best understood, as Lynch discloses using the system to book reservations (col 2, lines 63-64), it would have been obvious to one of ordinary skill in the art to book the reservation if confirmed by the customer and further, to notify the customer that the reservation had been made and further to use the computer to send out digitally encoded signals (e-mail being a digitally encoded signal) as Lynch uses the

computer to get the information it would have been obvious to one of ordinary skill in the art to use the computer to send out digitally encoded confirmation signals (e-mail) so as to have a record of confirmation to avoid possible confusion that could be brought about by oral confirmations.

As to claim 21, Lynch discloses checking availability of requested transportation items (col 3, line 67-col 4, line 7).

As to claim 22, Lynch discloses checking multiple travel service providers (col 7, lines 4-16). Lynch does not, however, teach consulting a timer during the accessing of a computer and, after a predetermined amount of time, accessing the first computer. It would have been obvious to one of ordinary skill to not wait too long for a connection, and further, to access the information available on the first computer if the second computer is taking too long to shorten the time necessary for making reservations.

As to claims 23 and 24, it is very well known in the art to connect computers to the Internet. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Lynch by using the Internet (global network) so as to not need a closed, internal network to save costs.

As to claim 25, Lynch discloses the system as working automatically (col 8, lines 19-22).

As to claim 26, Lynch discloses the system as using software to determine a preference of said individual with respect to at least one parameter, (traveler portfolio 18). Lynch further implicitly discloses the system as being used for a plurality of trips (col 5, lines 35-49). Further, it would have been obvious to one of ordinary skill in the art

to use the system as disclosed by Lynch by receiving a plurality of orders over time as this portfolio would be useful for multiple trips.

As to claim 28, Lynch discloses a system as discussed above. Lynch does not, however, specifically teach using the system to obtain a limousine. It would have been obvious to one of ordinary skill in the art to use the system as disclosed by Lynch to get a limousine as Lynch discloses this system as being useful for multiple modes of transportation (col 7, lines 10-16), and a limousine is a well-known form of travel to and from airports.

As to claim 29, as is discussed, the system is shown to be automatic.

As to claim 30, Lynch discloses determining specific flights (col 6, lines 35-44), which information would inherently include flight numbers, transporting the customer to and from the airport, if necessary, would be included in "type(s) of travel services needed" (col 5, lines 27-30).

As to claims 31 and 32, having made a reservation, it would have been obvious to one of ordinary skill in the art to provide a confirmation to the customer so the customer would know that a reservation had been made.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch in view of Webber as applied to claims 1,3-5,15,17,21-26,28-32 and 34 above, and further in view of US PAT 5,877,759 to Bauer.

Lynch in view of Webber disclose a travel system as discussed. They do not, however, teach using voice recognition software.

Bauer teaches an interface for user/agent interaction using voice recognition software (39). It would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Lynch in view of Webber by using the voice recognition software as taught by Bauer as Bauer teaches this a useful method of easing user/agent interaction, which user/agent interaction is used by both Lynch and Webber. Further, voice recognition software is merely another, well-known method of communication via a network.

Claims 2,6-13,16 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch in view of Webber and further in view of US PAT 6,801,909 to Delgado et al. (Delgado).

As to claims 2 and 6, Lynch discloses a system with a first communication means (claim 1, col 8, lines 40-41, as best seen in fig 1 "incoming request"), at least one central computer (30), operatively connected to the first communication means (fig 2). Lynch further teaches accessing information about travel service providers (col 3, line 67-col 4, line 9). Further, it would be inherent that the results would be to make arrangements to pick up the customer from a pick up location (the airport).

Lynch does not, however, specifically teach accessing management computers of transportation service providers or receiving and communicating confirmations of reservations made.

Webber discloses a system for securing reservations for travelers (title), that accounts for traveler preferences (claim 1, section 2.), and further that communicates

with traveler services management computers (claim 1, section 3 subsection C. and section 3. subsection D. subsections 1. and 2.).

It would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Lynch with the connection to traveler services management computers and making and confirming reservations as taught by Webber, to ensure that the information is up to date and to allow for the travel agent to make the reservations and to allow the customer to know that the reservation has been made.

Lynch as modified by Webber do not, however, teach artificial intelligence to detect preferences from previous orders.

Delgado discloses a system and method for providing user recommendations for services (title) with a user profile that is modified over time as the user purchases goods or services (col 8, line 65- col 9, line 45).

It would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Lynch in view of Webber with the artificial intelligence as taught by Delgado in order to have the preferences more perfectly resemble the actual preferences of the customer.

As to claim 7, Lynch discloses determining availability of transportation vehicles (col 3, line 67- col 4, line 7). It would have been obvious to one of ordinary skill in the art to notify the customer of availability of travel options as this way the customer could know that arrangements are available.

As to claim 8, Lynch discloses knowing and using transportation providers who have a relationship with the customer (col 3, lines 49-62) and using those providers.

As to claim 9, it would have been obvious to one of ordinary skill in the art to check availability in accordance with rules of the transportation service providers as they would not provide service if the rules were not followed.

As to claim 10, Lynch discloses ascertaining availability of transportation services at the destination (rental car, col 7, lines 10-16), it would be inherent that the computer communicates with the transportation service provider in that city to ascertain availability of a rental car. Further, as is discussed above, Lynch teaches making total travel arrangements, this would include ground transportation at the departure end of the flight.

As to claim 11, it would have been obvious to one of ordinary skill in the art to provide confirmation of completed orders so the customer would know that a reservation had been made.

As to claim 12, as is discussed, the systems as disclosed by Lynch, Webber and Delgado all work automatically.

As to claim 13, Lynch further discloses using a computer network (col 4, lines 42-48).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Fisher whose telephone number is 703-306-5993. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free).

Michael J. Fisher

Patent Examiner
GAU 3629

MF
3/15/05